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Viewing cable 08CANBERRA1231, GOA REPLY TO DEMARCHE ON WAY FORWARD WITH IRAQ

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Understanding cables

Every cable message consists of three parts:

- The top box shows each cables unique reference number, when and by whom it originally was sent, and what its initial classification was.
- The middle box contains the header information that is associated with the cable. It includes information about the receiver(s) as well as a general subject.
- The bottom box presents the body of the cable. The opening can contain a more specific subject, references to other cables ([browse by origin](#) to find them) or additional comment. This is followed by the main contents of the cable: a summary, a collection of specific topics and a comment section.

To understand the justification used for the classification of each cable, please use this [WikiSource](#) article as reference.

Discussing cables

If you find meaningful or important information in a cable, please link directly to its unique reference number. Linking to a specific paragraph in the body of a cable is also possible by copying the appropriate link (to be found at the paragraph symbol). Please mark messages for social networking services like Twitter with the hash tags **#cablegate** and a hash containing the reference ID e.g. **#08CANBERRA1231**.

Reference ID	Created	Released	Classification	Origin
08CANBERRA1231	2008-12-05 07:56	2011-08-30 01:44	SECRET	Embassy Canberra

Appears in these articles:

<http://www.wikileaks.elfaro.net/es/201108/notas/5468/>

VZCZCXYZ0000
OO RUEHWEB

DE RUEHBY #1231/01 3400756
ZNY SSSSS ZZH
O 050756Z DEC 08
FM AMEMBASSY CANBERRA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0626
INFO RUEHGB/AMEMBASSY BAGHDAD IMMEDIATE 0322
RUEHBM/AMEMBASSY BUCHAREST IMMEDIATE 0293
RUEHLO/AMEMBASSY LONDON IMMEDIATE 1932
RUEHSN/AMEMBASSY SAN SALVADOR IMMEDIATE 0223
RUEHTL/AMEMBASSY TALLINN IMMEDIATE 0043

S E C R E T CANBERRA 001231

SIPDIS

STATE FOR EAP/ANP,NEA/I,S/I

E.O. 12958: DECL: 12/05/2018

TAGS: [PREL](#) [PGOV](#) [MARR](#) [MOPS](#) [IZ](#) [ES](#) [RO](#) [AS](#) [EN](#)

SUBJECT: GOA REPLY TO DEMARCHE ON WAY FORWARD WITH IRAQ

REF: A. BAGHDAD 03794
[1](#)B. STATE 126109
[1](#)C. STATE 128040

Summary:

11. (S) The Australian government, while pessimistic about achieving a legally binding SOFA with Iraq, is actively exploring options for the continued employment of imbedded Australian Defence Force (ADF) personnel serving in MNF-I, particularly those whose missions keep them within the confines of coalition bases. The Government of Australia (GOA) is constrained by Iraq's Prime Minister's fatigue with the legislative process and by the GOA's own insistence that any agreement have treaty status. Furthermore, PM Maliki's negotiating team is being overwhelmed by similar requests from five of the nations of the coalition. End Summary

12. (S) Poloff and DATT delivered the demarche of December 4 on the way forward for the GOA's negotiations with the Government of Iraq (GOI) (ref C) to Department of Foreign Affairs and Trade (DFAT) and Department of Defence counterparts. They reported the GOA's negotiating team in Baghdad, led by Australian Department of Defence (ADOD) First Assistant Secretary for International Policy Simeon Gilding, is actively looking for alternative ways to forge an agreement with the Iraqis. They are presently crafting a proposal around Article 16 of a 1979 Iraqi law on treaties. The Iraqis have questioned the sufficiency of this law to provide the level of protection that the Australians require. Australia's legal specialists in Baghdad are actively consulting their American and British counterparts in addition to Iraqi experts.

13. (S) The Australians want a treaty-level agreement with the Iraqis in order to insure that their troops are provided the same legal protection as their American colleagues. Contacts in the Department of Foreign Affairs and Trade (DFAT), ADOD and the Department of the Prime Minister and Cabinet have told emboffs that PM Maliki pushed back on the GOA request for an agreement with treaty status, asking the Australians why they didn't jointly negotiate an agreement with the Americans. They also have concluded that the Iraqi Prime Minister does not have the stomach to present any further bilateral agreements to the Council of Representatives this year.

14. (S) The Australians expressed to us their concern that attempting to reach an agreement with Iraq is hampered by the limited manpower and logistics of the Iraqi negotiating team headed by Dr. Fadhel, Prime Minister Malaki's chief legal advisor. These constrain his ability to conduct simultaneous negotiations with Australians, British, Romanian, El Salvadoran, and Estonian delegations. This problem will be difficult to overcome regardless of whether the desired result would be a treaty or an MOU. There is, therefore, a need to craft a way forward that can be used in every case or there will probably not be any progress. However, see below concerning the special situation that the UK faces.

15. (S) DFAT Iraqi Director Lloyd Brodrick told us the National Security Committee of Cabinet will take up this issue by Tuesday, December 9 (Monday, December 8, Washington time.)

16. (S) Australian Brigadier Andrew Nikolic at the Department of Defense, told the DATT that Admiral Mullen, Chairman of the Joint Chiefs of Staff, is in communication with the Qthe Joint Chiefs of Staff, is in communication with the Australians on this issue.

17. (S) The DATT also learned from the British military attach in Canberra that the Australian Chief of the Defense Force (CDF), Angus Houston, has ongoing discussions with the British Chief of the Defense Staff (CDS), Sir Jock Stirrup.

18. (S) Separately, Embassy Pol/Officer has delivered the general points of the U.S. Government's Strategic Framework

Agreement with Iraq as well as the Security Agreement that were approved by the Iraqi parliament on Nov 27 to the Government of Australia (GOA) (ref B).

Comment:

19. (S) It would be relatively easier for the GOA to redeploy its forces from Iraq at short notice because of their limited number, compared with the British, whose force levels would make quick movement unwieldy. Therefore, the British negotiators will be feeling far more urgency to finalize an agreement, however inadequate, than will the Australians. A British solution to the dilemma may not be acceptable to the Australians, however, because the UK appears willing to accept a lower level of protections for its forces, according to the GOA. End Comment

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